

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re DMCA Section 512(h) Subpoena to Discord,
Inc.

Case No. 3:23-MC-00062-S

**AGREED MOTION TO WITHDRAW NEXON KOREA CORPORATION'S MOTION
TO COMPEL DISCORD, INC. TO RESPOND TO THE DMCA SECTION 512(h)
SUBPOENA**

TO THE HONORABLE JUDGE OF SAID COURT:

Nexon Korea Corporation ("Nexon"), through counsel, hereby moves to withdraw its Amended Motion to Compel Discord, Inc. to Respond to the DMCA Section 512(h) Subpoena (Doc. No. 8) (the "Motion"). In support of this Motion, Nexon respectfully shows the Court as follows:

RELEVANT FACTS

1. Nexon Korea Corporation is an interactive video game company, which has created several successful video game franchises. Nexon owns valid and subsisting copyrights in popular video games, such as MapleStory, MapleStory2, Sudden Attack, The Kingdom of the Winds, Dungeon & Fighter, Grand Chase, and Elsword.

2. Discord, Inc. ("Discord") is a voice, video, and text communication service, which individuals often use to post pirated version of video games, including, but not limited to, those created by Nexon.

3. On September 27, 2023, Nexon, through its undersigned counsel, filed a request for issuance of a Digital Millennium Copyright Act (DMCA) subpoena, pursuant to 17 U.S.C. §512(h), requesting that Discord provide information sufficient to identify the users who infringed Nexon's intellectual property rights.

4. The Court issued the subpoena on October 3, 2023, ordering Discord to respond by October 13, 2023.

5. However, at the time for compliance, Discord provided form responses, objecting to the overbreadth of the subpoena alleging that the subpoena was unduly burdensome. However, Discord indicated that it would be willing to respond to a more limited subpoena.

6. As such, the parties commenced negotiations regarding narrowing the scope of the subpoena.

7. However, after a breakdown of these negotiations, on or about December 20, 2023, Nexon filed the Motion to Compel Discord Inc.'s Responses to the DMCA Subpoena.

8. On February 1, 2024, the Court entered an Order requiring Discord's response to the Motion to Compel to be filed by February 20, 2024, and any reply by Nexon to be filed by March 4, 2024.

9. To allow the parties to engage in substantive discussions without the need for judicial intervention, Nexon filed the Agreed Motion for Extension of Response Deadlines by Ten Days, seeking to extend Discord's deadline to file a Response to the Motion to Compel on March 1, 2024, and Nexon's Deadline to file a Reply to Thursday, March 14, 2024.

10. After the extensions were granted by this Court, the parties have diligently met and conferred, and have reached an agreement regarding how the Parties will work toward obtaining a mutually satisfactory outcome without further court intervention.

11. While engaging in substantive settlement discussions, the parties have reached an agreement under which Discord agreed to produce information related to the Agreed UIDs, pursuant to the entry of a mutually acceptable protective order, which is being filed contemporaneous with this Motion, within thirty-five (35) days after the date of its notice to affected users that the Requested Information has been subpoenaed and giving the affected user fourteen (14) days to file an objection with the Court.

CONCLUSION

12. Based on the parties' agreement, and without waiving any claims or defenses that either party may have on the merits, Nexon desires to withdraw the Motion to Compel without prejudice.

13. Should the need arise for Nexon to reassert these claims against Discord, Nexon will renew its Motion reurging and specifying any unresolved issues pursuant to Fed. R. Civ. P. 37.

PRAYER FOR RELIEF

FOR THESE REASONS, Nexon Korea Corporation respectfully pray that the Court enter an order withdrawing the Motion to Compel and striking the current deadlines regarding the same to enable the parties to facilitate production of agreed upon information.

Date: February 28, 2024

Respectfully submitted,

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**ATTORNEYS FOR NEXON
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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record are being served with a copy of this document via the Court's CM/ECF system on this the 28th day of February 2024.

/s/ Dominique Williams

Dominique Williams

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a), the parties met and conferred regarding the requested relief. This relief sought in this motion is agreed by all parties.

/s/ Dominique Williams

Dominique Williams